

# Motion to Continue Custody Conference, Pre-Trial Conference, Contempt Hearing or Custody Hearing & Order

**COMPLETE STEP-BY-STEP INSTRUCTIONS ARE ON PAGE 2.**

***A copy of your current Custody Order MUST be attached to your Petition.***

## **BEFORE YOU TAKE THESE PAPERS TO COURT, YOU MUST GIVE THE OTHER PARTY AT LEAST 3 BUSINESS DAYS' NOTICE**

The purpose is to let them know the date you are going to go to Court. They have a right to be there.

1. Give or mail (both regular and certified) them, or their lawyer, the **"Notice of Intention to Present"** which tells them what day and time you will be going to Court. **You do not need an appointment.** If both parties attend when you present the papers, you will get a quicker hearing date.

On the **Notice of Intention to Present** form, if you give/mail the other party the papers on a

1. Monday or Friday, you would write the date for the following Thursday
2. Tuesday or Wednesday, you would write the date for the following Monday
3. Thursday, you would write the date for the following Tuesday

**2. You must also give/mail the other party COPIES of all the forms below (*after you fill them in*) that have an \*. Keep the originals of all forms to take to Court.**

**You MUST complete ALL of the forms in this packet, which include:**

1. **\*Notice of intention to Present** – see above information for details.
2. **\*Motion to Continue cover sheet** - this must include the case number and the party names as they were on the original Custody Order (i.e. the plaintiff is always the plaintiff and defendant is always the defendant, regardless of who is filling out the Petition)
3. **\*Petition**
4. **\*Verification**
5. **Order** – ONLY complete the top section of this form, the Judge will complete the rest
6. **Proof of Service & Acceptance of Service** – do nothing with these until Step 8
7. **Notice to incarcerated parent** – If the other parent is presently incarcerated, ask library staff for this form and include it with the complaint.

**AFTER giving 3 business days' notice, take the forms to Custody Motions Court in Courtroom #5, Monday, Tuesday and Thursday, excluding Court holidays. Be there no later than 8:45 a.m. *You must also give the Judge a copy of your current Custody Order.***

If you are not 18 years old you must have your custodial parent(s) or Guardian file for you.

**REMEMBER -THERE IS A DRESS CODE IN THE COURTROOM, ALL CELL PHONES MUST BE COMPLETELY OFF & YOUR FORMS MUST BE IN NUMERICAL ORDER WHEN YOU GO TO COURT.**

*Please note that the law librarian, staff of the Beaver County Law Library, staff of the Juvenile Services Division, staff of the Court Administrator's Office and the Judge's Law Clerk are neither qualified nor permitted to assist persons in the preparation or filing of child custody documents or to provide legal advice or assistance of any kind on child custody or any other legal matters.*

**LITIGANTS ARE STRONGLY ENCOURAGED TO CONSULT WITH AN ATTORNEY.**

## SUMMARY OF STEPS

### **Before you go to Court:**

1. Complete the forms in INK, not pencil. Incomplete forms may be refused.
2. Photocopy all of the paperwork (*except the Proof of Service and Acceptance of Service forms*) and send or give it to the other party along with the Notice of Intention to Present **THREE BUSINESS DAYS BEFORE** you present the Petition to the Judge. The date you write on this form is the day you plan to deliver the documents to Court. It must be at least 3 business days away and must be a Monday, Tuesday, Wednesday or Thursday. If both parties attend when you present the Petition, you will get a quicker hearing date.

### **In Court:**

3. Take **completed** forms to **Motions Court, Courtroom #5, Second Floor of the Courthouse, no later than 8:45 a.m. any Monday, Tuesday and Thursday. Late motions will not be heard. Go into the Courtroom, have a seat and wait your turn.**
4. The Judge will sign the petition and assign a hearing date, if needed. You will then receive a clocked copy of the Order and the original will be returned to you.
5. Get your paperwork from the Law Clerk.

### **After you leave Court:**

6. **FILE** the papers in the Prothonotary's Office (1<sup>st</sup> floor).
  - a. After you have presented your motion to the Judge you must file all of the original documents that you gave to the Judge with the Prothonotary's office.
7. **SERVE** the other party with the Order signed by the Judge. This means you give or mail the other party copies of all the papers that you gave to the judge.
  - a. If you choose to hand deliver the documents, you must have the other Party sign an **Acceptance of Service** form. You **MUST FILE** the Acceptance of Service in the Prothonotary's office after it is signed.
  - b. If you serve the other party by mail you must send the documents by **both Regular mail and Certified mail**. Complete the Proof of Service form by making check marks on the line before both regular and certified mail. **Make a photocopy.** File it with the Prothonotary. After you receive the green card verifying certified mail, staple the green card to the Proof of Service and file it again with the Prothonotary.
8. **FILE** either a Proof of Service or Acceptance of Service Form with the Prothonotary after service has been done. **MAKE AND KEEP A COPY FOR YOURSELF.**
9. Bring a copy of the Proof of Service or Acceptance of Service that you filed in the Prothonotary's office to ALL later hearings, conferences and/or trials.

**Note:** When filling out the forms--parties must be identified as Plaintiff or Defendant as they are listed on the *original* custody Complaint, regardless of who is filing the Petition. The person filing the petition is the *Petitioner*; the other party is the *Respondent*.

## **IMPORTANT INFORMATION**

1. **NOTICE**: Send or give the other party the Notice of Intention to Present along with copies of the documents you will be presenting to the judge AT LEAST 3 business days written notice BEFORE you go to Court.

If there is a PFA, you may send the legal paperwork but do NOT include any other letters, notes, etc. If it is a true emergency, you may have a family member or friend call or hand deliver copies of the notice.

If you do not know where the other party lives, you must read PA Rules of Court # 430 & # 1930.4 and Beaver County Local Rule # 430 and follow the required procedures.

2. **FILING**

- a. After you have presented your motion to the Judge you must file all of the original documents that you gave to the Judge with the Prothonotary's office
- b. You must also return to the Prothonotary's office to file the Proof of Service form after you have served the other party (see below)

3. **SERVICE**

- a. You must give the other party copies of all documents that you presented to the judge.
- b. You must either serve the other party by mail or by hand delivery
- c. If you serve the other party by mail you must send the documents by both **Regular mail and Certified mail**.
  - i. Complete the Proof of Service form by checking both regular mail and certified mail
  - ii. After you have received the green card verifying certified mail delivery, staple that green card to the Proof of Service form and **AGAIN file with the Prothonotary's office**
- d. If you choose to Hand deliver the Documents you must have the other Party sign an **Acceptance of Service form**. **You MUST FILE the Acceptance of Service in the Prothonotary's office after it is signed.**

***\*\*\*\* Always keep a copy of the Proof of Service documents for your records and ALWAYS bring the Proof of Service forms to all Conciliation Conferences, Pre-Trial Conferences and/or Hearings/Trials in Court.***

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
PENNSYLVANIA**

Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
	:	
Defendant.	:	

**NOTICE OF INTENTION TO PRESENT**

**TO:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(name & address of the other party)

Please take notice that I intend to present the attached Motion/Petitions on (date)\_\_\_\_\_ at 8:45 a.m., Courtroom No.5, Beaver County Courthouse, Beaver, PA. If you wish to oppose the requested relief or action, you should appear at that time and present your objections to the court.

**Date** \_\_\_\_\_

\_\_\_\_\_  
Petitioner

**CERTIFICATION OF SERVICE**

I hereby certify that I have caused to be served a true and correct copy of the attached on the above named defendant at least 3 business days prior to the date of presenting the Motion by way of (check all that apply):

	regular mail
	certified mail
	hand delivery

\_\_\_\_\_  
Petitioner

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A

CIVIL DIVISION

_____	:	No. _____
Plaintiff,	:	Civil Action – Law
	:	
	:	Type of Pleading:
vs.	:	<b>Motion to Continue</b> _____
	:	
	:	
_____	:	Filed on behalf of:
Defendant.	:	
		_____
		(Your Name)
		Filing Party's Information:(Your Name)
		Name:_____
		Address: _____
		_____
		_____
		Telephone #: _____

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
PENNSYLVANIA**

\_\_\_\_\_  
Plaintiff

vs.

Civil Action – Law

No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

**MOTION TO CONTINUE \_\_\_\_\_**  
(Write in type of conference or hearing you want to continue)

AND NOW, COMES \_\_\_\_\_, Plaintiff/Defendant, and who respectfully requests a continuance of the conference scheduled in the above captioned action and states as follows:

1. A conference or hearing is scheduled for \_\_\_\_\_ at \_\_\_\_\_ .m. at the Juvenile Services Division/Beaver County Courthouse, Courtroom #\_\_\_ **(circle one)**

2. This Petitioner respectfully requests a continuance for the following reason:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. The opposing counsel/party has been informed of this request for continuance and (agrees) (objects) to the continuance:

4. \_\_\_\_\_ Continuances have already been granted on the matter.

WHEREFORE, Petitioner respectfully requests this Honorable Court to continue the conference /hearing until the next available date.

Respectfully submitted,

\_\_\_\_\_  
Petitioner's Signature

\_\_\_\_\_  
Printed Name

**I AM OVER THE AGE OF 18. Yes / No (CIRCLE ONE)**

## **VERIFICATION**

I, \_\_\_\_\_, verify that the statements made in this Petition for Modification of Custody are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann § 4904, relating to unsworn falsification to authorities which provides that if I knowingly make false averments, I may be subject to criminal penalties.

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Petitioner

Date: \_\_\_\_\_

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
PENNSYLVANIA**

\_\_\_\_\_  
Plaintiff

vs.

Civil Action – Law

No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of this within Motion for Continuance, the conference/hearing scheduled in the above captioned action for \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M. is hereby continued until the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M at the Juvenile Services Division/ Beaver County Courthouse, Courtroom No.\_\_\_\_.

BY THE COURT:

\_\_\_\_\_  
JUDGE



IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
PENNSYLVANIA

_____	:	
Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant.	:	

PROOF OF SERVICE

I \_\_\_\_\_ (*your name*), hereby certify that I delivered a copy of the  
(*name of document*) \_\_\_\_\_ to

\_\_\_\_\_ (*name of party*) on \_\_\_\_\_ (*date*),

at \_\_\_\_\_ o'clock p.m./a.m. Delivery was made by (check all that apply):

\_\_\_\_\_ regular mail

\_\_\_\_\_ certified mail

\_\_\_\_\_ hand delivery

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PETITIONER

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
PENNSYLVANIA

_____	:	
Plaintiff,	:	
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant.	:	

ACCEPTANCE OF SERVICE

I accept service of the \_\_\_\_\_ (*name of document*). I certify that I am authorized to accept service on behalf of defendant.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DEFENDANT OR AUTHORIZED AGENT

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
MAILING ADDRESS

*Note: If defendant accepts service personally, the second sentence should be deleted.*